

### **REMARKS**

Claims 1-15 pending in the subject application and are subject to a restriction requirement and/or an election of species requirement.

### **RESTRICTION REQUIREMENT**

In the above referenced Office Action, the Examiner provided that the pending claims are directed to more than one patentably distinct invention. Specifically, the claims are directed to the following inventions: Group I, Claims 1-10, drawn to a semiconductor device; and Group II, Claims 11-15, drawn to a method of making a semiconductor device.

Accordingly, Applicant was requested under 35 U.S.C. §121 to elect the invention to which prosecution on the merits will be restricted. In this regard, Applicant elects, with traverse, Group I, including claims drawn to semiconductor device, presently embodied in claims 1-10. In view of the Examiner's restriction requirement, Applicant reserves the right to present the above-identified withdrawn claims in a divisional application.

Applicant traverses the restriction requirement on the basis that, while the claims of Groups I and II are drawn to semiconductor device and a method for making a semiconductor device, a comprehensive search for the invention of Group I would necessarily involve a search of, as well as consideration of references appearing in, the classes/subclasses associated with the invention of Group II. As such, Applicant respectfully submits that, since a comprehensive search would involve consideration of the subject matter of both inventions, for efficiency the inventions could be prosecuted at the same time.

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U.S.S.N.: 10/776,935  
RESPONSE TO OFFICE ACTION  
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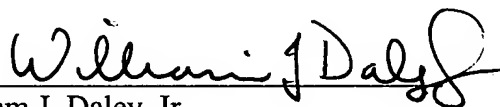
It is respectfully submitted that the subject application is in a condition for allowance.

Early and favorable action is requested.

Applicant believes that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,

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